

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7531

BILL NUMBER: HB 1526

NOTE PREPARED: Dec 30, 2004

BILL AMENDED:

SUBJECT: Taser and Electronic Stun Weapons.

FIRST AUTHOR: Rep. Alderman

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill makes the possession of a taser or an electronic stun weapon by a person who is not a member of law enforcement or in the business of manufacturing, selling, or repairing firearms a Class C infraction, and increases the penalty to a Class A misdemeanor if the person: (1) commits the offense knowingly or intentionally; and (2) has a prior unrelated judgment or conviction for unlawful possession of a taser or an electronic stun weapon.

The bill also prohibits the sale or delivery of a taser or an electronic stun weapon to a person who is not a member of law enforcement or in the business of manufacturing, selling, or repairing firearms. It makes the unlawful sale of a taser or an electronic stun weapon a Class A infraction, and increases the penalty to a Class D felony if the person: (1) commits the offense knowingly or intentionally; and (2) has a prior unrelated judgment or conviction for unlawful sale of a taser or an electronic stun weapon. It repeals a provision regulating tasers and electronic stun weapons as handguns.

Effective Date: July 1, 2005.

Explanation of State Expenditures: There are no data available to indicate how many offenders may be convicted of possessing or of selling or delivering a taser or an electronic stun weapon. Under the bill, possessing a taser or an electronic stun weapon is Class C infraction and selling or delivering this type of weapon is a Class A infraction. Knowingly or intentionally committing the offense or having a prior unrelated judgement or conviction would enhance the penalty for possession to a Class A misdemeanor and for sale or delivery to a Class D felony.

Class D Felony: A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$21,514 in FY 2004, ranging from a low of \$16,645 to a high of \$49,281. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: The maximum judgment for a Class A infraction is \$10,000, for a Class C infraction is \$500, for a Class A misdemeanor is \$5,000, and for a Class D felony is \$10,000. Fines from infractions are deposited in the state General Fund, and fines from criminal convictions are deposited in the Common School Fund.

Court fees for infractions are \$70 and for criminal offenses are \$120. If the case is filed in a circuit, superior, or county court, 70% of the court fee that is assessed and collected when a judgement or a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 or \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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